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Group 3700**FULWIDER • PATTON**

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#14

FACSIMILE TRANSMISSION

Date: April 12, 2004

	<u>Telephone</u>	<u>Facsimile</u>
To: Commissioner for Patents	(703) 306-5648	(703) 872-9301
Attn: Mr. Larry Schwartz		
Supervisor, Customer Service		
Group Art Unit 3700		

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From: Ginny Radoff for Paul Y. Feng

Re: Serial No. 09/746,144

Client/Matter: ACS 58266 (1595P)

Title: SUPERELASTIC GUIDE WIRE WITH
LOCALLY ALTERED PROPERTIES

Inventors: Wayne E. Cornish et al.

Filed: December 21, 2000

Number of pages (Incl. this page): 6

If You Do Not Receive All Pages, Please Call Ginny Radoff at (310) 824-5555, Ext. 706

☐ Original to follow ☒ Original will NOT follow**COMMENTS/MESSAGE:**

Pursuant to our telephone conversation this morning, attached is a true copy of our Petition to Withdraw Holding of Abandonment that was originally filed with the Patent Office on July 18, 2003, and a copy of our returned postcard stamped received on 7/22/03 by the OIPE. . Thank you for your assistance in this matter.

Ginny Radoff
Secretary to Paul Y. Feng

PYF:gbr

489521

Client ID/Matter No.: ACS 58266 (1595P)
Date Mailed: July 18, 2003

Serial No. 09/746,144
Applicant: Wayne E. Cornish et al.
Title: SUPERELASTIC GUIDE WIRE WITH
LOCALLY ALTERED PROPERTIES
Filed: December 21, 2000

Documents enclosed:

1. Petition to Withdraw Holding of Abandonment
2. Transmittal form PTO/SB/21

The U.S. Patent and Trademark Office Mail Room stamp hereon
acknowledges receipt of the items indicated above on the date
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence (with all attachments) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 18, 2003.


Paul Y. Feng, Reg. No. 33,510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Inventor: Wayne E. Cornish et al.

Serial No. 09/746,144

Filed: December 21, 2000

For: SUPERELASTIC GUIDE WIRE
WITH LOCALLY ALTERED
PROPERTIES

Examiner: Max Hindenburg

Group Art Unit:- 3736

Client ID/Matter No. ACS 58266 (1595P)

July 18, 2003

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED
ON FAILURE TO RECEIVE OFFICE ACTION (M.P.E.P. 711.03(c))**

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to withdraw its holding of abandonment of the above-identified patent application based on the following grounds.

REMARKS

Applicant's attorney received a phone call from PTO SPE Max Hindenburg on July 15, 2003. Examiner Hindenburg advised applicant's attorney that the present application had been abandoned by the Patent Office for failure to respond to a non-final Office action from former examiner Pamela Wingood. Examiner Hindenburg further stated that the non-final Office action was mailed to the wrong law firm somewhere in the D.C. area.

During this phone call, applicant's attorney reviewed the file and confirmed with examiner Hindenburg that no such non-final Office action had been received. Based on applicant's files, the last action taken in this case was applicant's August 27, 2002 response to examiner Wingood's July 2, 2002 Office action.

Applicant hereby states that the non-final Office action referenced by examiner Hindenburg was not received by applicant. Not having received the non-final Office action, applicant therefore did not respond to it. Applicant as required under M.P.E.P. 711.03(c) has attached herewith a true and correct copy of the docket record from applicant's file showing non-receipt of the Office action triggering the abandonment.

Applicant's attorney further confirms receipt of the voice mail left by examiner Hindenburg on July 17, 2003, wherein examiner Hindenburg asked that applicant file this Petition to Withdraw and explained that no petition fee or petition to revive are required as per the group director.

Applicant respectfully requests that this application be revived. Applicant has filed this paper almost immediately after receipt of the phone call from examiner Hindenburg and believes that this petition is timely, and applicant has exercised due diligence and accordingly no terminal disclaimer is required.

Applicant authorizes the Commissioner to charge deposit account no. 06-2425 for any unforeseen fees arising from the filing of this paper.

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP

By: Paul Y. Feng
Paul Y. Feng
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19471.1

**ACS - GUIDE WIRE PATENT APPLICATION
FILE STATUS**

U.S. SERIAL NO. 09/746,144 FILING DATE 12/21/00 DOCKET NOS.: FULWIDER: ACS-58266
 ACS: 1595
 HELLER EHRMAN: 25191-0130

ABANDONED DATE: _____ REASON: _____

ISSUED DATE: _____ U.S. PATENT NO. _____
 MAINTENANCE FEE PAID/DUE: _____

PENDING

ACS DISCLOSURE NO.: 1595

Date
Completed Initials

Draft SENT to CLIENT/INVENTOR
 Draft RETURNED by CLIENT/INVENTOR
 Final application SENT to INVENTOR with formal papers
 Final application and signed formal papers RETURNED by INVENTOR
 Application MAILED to PATENT OFFICE with
 formal ☐ informal ☐ drawings and ☐ Assignment
 Copy of Application as filed with PTO SENT to CLIENT
 Return Postcard RECEIVED from PTO
 Serial No./foreign filing letter SENT to CLIENT
 Official Filing Receipt RECEIVED from PTO

IDS FILED w/ PTO

Recorded Assignment RETURNED by PTO
 Recorded Assignment SENT to CLIENT via CERTIFIED MAIL
 Return Receipt card RECEIVED from CLIENT

For APPLICATIONS WITH INFORMAL DRAWINGS

FORMAL DRAWINGS DUE _____
 Formal drawings MAILED to PTO
 Formal drawings (copies) MAILED to CLIENT
 Return Postcard RECEIVED from PTO

OFFICE ACTIONS, ETC.	PTO MAILED	DATE DUE	RESPONSE FILED	POSTCARD RECEIVED
<u>A.P.</u>	<u>7-2-02</u>	<u>10-1-02</u>	<u>8/27/02</u>	<u>9/9/02</u>

NOTICE OF ALLOWANCE/Issue Fee Transmittal Form RECEIVED from PTO
 Issue Fee PAID/MAILED to PTO